

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
CINCINNATI DIVISION**

**HUNTER DOSTER, *et al.*,**

Plaintiffs,

v.

**FRANK KENDALL, *et al.*,**

Defendants.

No. 1:22-cv-00084  
Hon. Matthew W. McFarland

**DEFENDANTS' NOTICE OF RESCISSION OF  
DOD COVID-19 VACCINATION REQUIREMENT**

Defendants file this notice to inform the Court that on January 10, 2023, the Secretary of Defense implemented Section 525 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (“NDAA”). *See* Pub. L. No. 117-263, § 525 (Dec. 23, 2022), 136 Stat 2395. Section 525 of the NDAA directs the Secretary, within 30 days, to rescind the August 2021 memorandum requiring vaccination of service members for COVID-19.

Pursuant to the NDAA, the Secretary of Defense issued a memo on January 10, 2023, rescinding his August 24, 2021 memorandum which required COVID-19 vaccination, and rescinding his November 30, 2021 memorandum which required COVID-19 vaccination for members of the National Guard and the Ready Reserve. *See* 1/10/2023 SECDEF Memo (“Rescission Memo”) (attached as Ex. 1).

The Rescission Memo prohibits separations based solely on refusal of the COVID-19 vaccine by service members who sought an exemption. *Id.* The Rescission Memo further directs the Services to update the records of individuals currently serving to remove any adverse actions solely associated with the denial of an accommodation request. *Id.* The Rescission Memo also halts the processing of requests for exemption to the now-defunct mandate. *Id.*

Defendants are conferring with Plaintiffs regarding these latest developments.

Dated: January 11, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

On January 11, 2023, I electronically submitted the foregoing document using the Court's electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Zachary A. Avallone

Zachary A. Avallone

Trial Attorney

U.S. Department of Justice